

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
VICTORIA DIVISION**

PAUL CHEN,	§	
	§	
Plaintiff,	§	
V.	§	MISC. NO. V-09- 11
	§	
TERRY COX, ANITA L. KOOP, AND	§	
ANITA'S RESORT PROPERTIES, INC.	§	
Defendants.	§	

**MEMORANDUM OPINION AND ORDER TO FILE PLAINTIFF'S  
LAWSUIT AND *IN FORMA PAUPERIS* APPLICATION IN THE VICTORIA  
DIVISION AND REFER MOTIONS TO THE TRIAL JUDGE**

Plaintiff sent his cover letter and lawsuit to this judge requesting special attention to his *in forma pauperis* application and request for a temporary restraining order and injunctive relief. In his lawsuit, plaintiff, a Calhoun County resident, sues Calhoun County residents over property located in that county. Plaintiff claims that judges in the Southern District of Texas who have presided over previous litigation involving the Calhoun County property have not been impartial.

Plaintiff has provided no legal reason why his lawsuit should not be treated the same as any lawsuit filed in the Southern District of Texas. The Chief Judge does not "sit as a quasi-appellate court and review the decisions of other judges in the district." *In re McBryde*, 117 F.3d 208, 225 (1997), *cert. denied*, 524 U.S. 937, 118 S.Ct. 2340 (1998). If plaintiff has a legal basis to question the impartiality of a specific judge, the law provides to him a right to file an affidavit for disqualification pursuant to 28 U.S.C. §§ 144, 455, as well as the right to appeal the district court's judgment to the Fifth Circuit Court of Appeals.

Accordingly, plaintiff's application for leave to proceed *in forma pauperis*, and his lawsuit shall be filed by the Clerk as a miscellaneous proceeding in the Victoria Division, where venue is appropriate, and the matter assigned to a district judge pursuant to this court's work orders.

ORDERED this 7 day of August, 2009.

  
HAYDEN HEAD  
CHIEF JUDGE